

COLDEN FIRE DISTRICT

Board of Fire Commissioners

Minutes – December 14, 2010

Regular Meeting of the Colden Fire District Board at 7:00 pm,
Station Number One, 8448 Gutekunst, Colden, New York 14033

1. Call to Order @ 7:00 P.M. The regular monthly meeting of the Commissioners of the Colden Fire District was called to order by the Chairman Jeffrey Shelley in compliance with Article 7 - Open Meetings Law.

2. Pledge of Allegiance to the Flag of the United States of America Led by Chairman Jeffrey Shelley.

3. Roll Call and Affirmation of Quorum: Yes

| <u>Board Member</u> | <u>Present</u> |
|-----------------------------|----------------|
| Chairman Jeffrey Shelley | Yes |
| Commissioner James Walter | Excused |
| Commissioner Michael Butler | Yes |
| Commissioner Joseph Murray | Yes |
| Commissioner Charles Kramer | Yes |
| Treasurer Michael Schneider | Yes |

4. Public Attendance: Fire Chief Douglas Hyde, Assistant Chief Ronald Smith, Assistant Chief James DePasquale, Firefighter Gerald Pietraszek, Fire fighter Suzanne Pietraszek

5. Consent Calendar:

a. Adoption of Agenda

Commissioner Joseph Murray made a motion to approve the Agenda as printed and Commissioner Michael Butler seconded the motion.

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

A vote was taken and the motion to accept the agenda was approved.

b. Approval of Minutes from Previous Meetings

- Minutes from meeting held on November 9, 2010

Commissioner Joseph Murray made a motion to approve the Minutes as printed and Commissioner Michael Butler seconded the motion.

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

A vote was taken and the motion to accept the Minutes was approved.

c. Approval of Treasurer’s Report (Monthly Financial Report)

- Treasurer’s Report as of December 13, 2010

Commissioner Joseph Murray made a motion to approve the Treasurer’s Report as printed and Commissioner Charles Kramer seconded the motion.

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

A vote was taken and the motion to approve the Treasurer’s Report was approved.

| Financial Status as of December 31, 2010 | |
|---|---------------------|
| M&T Checking Account | \$6,357.45 |
| M&T General Fund Savings | \$21,897.03 |
| Capital Reserve Account – Apparatus | \$355,901.57 |
| Capital Reserve Account – ISO | \$51,534.69 |
| Capital Reserve Account – Unrestricted | \$109,880.24 |
| Current Assets | \$545,570.98 |

d. Approval of Bills (Ratification of District Accounts Payable)

- Ratification of Accounts from the meeting held on December 14, 2010

WHEREAS, the Colden Fire District received certain invoices against it by way of vouchers received during the period ending December 14, 2010; and

WHEREAS, the Colden Fire District has reviewed said claims,

NOW, THEREFORE, BE IT RESOLVED, by the Colden Fire District that the following claims be certified by the Treasurer for approval and payment.

Commissioner Joseph Murray made a motion to approve the All Accounts Payable and Commissioner Michael Butler seconded the motion.

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

A vote was taken and the motion to approve payment of bills was approved.

| Year Funds Obligated | Claim Number | Date | Description of Transaction | Cost | Account Line |
|-----------------------------|---------------------|-------------|--|-------------|---|
| 2010 | 3073 | 12/2/2010 | National Fuel (Office Bldg and Station # 2) | \$181.40 | A400-07b |
| 2010 | 3074 | 12/14/2010 | Metro Group (Election Legal Notice) | \$32.45 | A400-06 |
| 2010 | 3075 | 12/14/2010 | Election Inspector - Clifford Letson | \$35.00 | A400-01 |
| 2010 | 3076 | 12/14/2010 | Election Inspector - Alfred Kalinowski | \$35.00 | A400-01 |
| 2010 | 3077 | 12/1/2010 | Dival safety (Gas Detector Repair & PM Svc to SCBAs) | \$947.09 | A400-09 |
| 2010 | 3078 | 11/26/2010 | M&T Credit Card | \$321.39 | A200-4 (\$12.34), A400-08b (\$21.48), A400-01 (\$77.92), A400-01 (\$49.70), & A400-03d (\$159.95) |
| 2010 | 3079 | 12/14/2010 | Suburban Oxygen (O2 and 7 Tanks) | \$856.00 | A200-3 |
| 2010 | 3080 | 12/2/2010 | Verizon (District Phone) | \$31.23 | A400-07e |
| 2010 | 3081 | 12/2/2010 | Verizon Wireless (Ambulance Phone) | \$ 9.57 | A400-07d |

| Year Funds Obligated | Claim Number | Date | Description of Transaction | Cost | Account Line |
|----------------------|--------------|------------|---|--------------------|---|
| 2010 | 3082 | 12/14/2010 | NYSEG (Office Bldg and Station # 2) | \$225.52 | A400-07a |
| 2010 | 3083 | 12/14/2010 | Gorman Enterprises (Repairs to Engine # 1 & # 3) | \$795.84 | A400-09 |
| 2010 | 3084 | 12/14/2010 | Colden Fire Company (Lease) | \$2,000.00 | A400-16 |
| 2010 | 3085 | 12/14/2010 | Maybach's Small Engine Shop (Snow blower PM) | \$76.72 | A400-08a |
| 2010 | 3086 | 12/14/2010 | US Postal Svc (PO Box Rental) | \$40.00 | A400-02 |
| 2010 | 3087 | 12/14/2010 | Douglas Hyde - Stipend Jul thru Dec 2010 | \$450.00 | A400-03e |
| 2010 | 3088 | 12/14/2010 | Ronald Smith - Stipend Jul thru Dec 2010 | \$400.00 | A400-03e |
| 2010 | 3089 | 12/14/2010 | James DePasquale - Stipend Jul thru Dec 2010 | \$400.00 | A400-03e |
| 2010 | 3090 | 12/14/2010 | Jody Feidt - Stipend Jul thru Dec 2010 | \$400.00 | A400-03e |
| 2010 | 3091 | 12/14/2010 | Robert Chilson - Custodian Services - Oct thru Dec 2010 | \$332.46 | A100-1 |
| 2010 | 3092 | 12/14/2010 | Michael Schneider - Secretary/Treasurer Duties - Oct - Dec 2010 | \$ 920.30 | A100-2 |
| 2010 | 3093 | 12/14/2010 | Robert Chilson (Floor Service) | \$180.00 | A100-1 |
| 2010 | 3094 | 12/14/2010 | Saia Communications (9-2 Siren & Light controls) | \$288.00 | A200-2 |
| 2010 | 3095 | 12/14/2010 | M&T Credit Card - Raid Refill Ink (Epson) | \$11.99 | A400-01 |
| 2010 | 3096 | 12/14/2010 | Colden Fire Company (Map Book Project) | \$245.57 | A200-2 |
| 2010 | 3097 | 12/14/2010 | Wee Bit Computer (Service Up-Grade to Window's 7) | \$105.00 | A400-01 |
| 2010 | 3098 | 12/14/2010 | Southtowns Tireman (Svc to Emergency Generator) | \$100.00 | A400-08b |
| 2010 | 3099 | 12/14/2010 | Water District Number 1 - Water Supply Contract | \$1,800.00 | A400-20 |
| 2010 | 3100 | 12/14/2010 | Town of Colden (Fuel 6/4/10-12/9/10) | \$1,030.55 | A400-10 |
| 2010 | 3101 | 12/14/2010 | Office of NYS Comptroller (Retirement) | \$30.90 | A100-2 |
| 2010 | 3102 | 12/14/2010 | US Department of Treasury (Payroll Taxes) | \$212.67 | A633 (\$106.33), A100-1 (\$27.54), & A100-2 (\$78.80) |
| 2010 | 3103 | 12/14/2010 | NYS Association of Fire Chiefs (Membership Dues) | \$70.00 | A400-04 |
| 2010 | 3104 | 12/14/2010 | Erie Community College (EMT Course - Kramer) | \$706.00 | A400-03a |
| 2010 | 3105 | 12/14/2010 | University Emergency Medical Services (EMS Training) | \$410.00 | A400-03a |
| 2010 | 3106 | 12/16/2010 | Travel Reimbursement - Kramer - EMT School - ECC | \$1,166.56 | A400-03c |
| 2010 | 3107 | 12/22/2010 | Dival (Pelican Lighting Equipment and Stream Light Batteries) | \$1,825.75 | A200-2 (\$1,735.00) & A200-4 (90.75) |
| 2010 | 3108 | 12/31/2010 | Dival Safety (Gas Meter) | \$1,189.72 | A200-2 |
| | | | Total | \$17,862.72 | |

e. Refund

| Agency | Credit Description | Refund |
|---------------|---------------------------|---------------|
| M&T Bank | Reimbursement of Bank Fee | \$1.00 |

WHEREAS, during the month of December, a credit of \$1.00 was reimbursed to the Fire District; and

NOW, THEREFORE, BE IT RESOLVED, by the Colden Fire District that the funds will be deposited into the General Fund.

Commissioner Joseph Murray made a motion to approve the reimbursement of funds in the amount of \$1.00 and Commissioner Charles Kramer seconded the motion.

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

A vote was taken and the motion was approved.

6. Correspondence and communications received:

- a. Letter of Intent to run for Fire Commissioner received from Jeffrey K. Shelley.
- b. Letter of Intent to run for Fire Commissioner received from Susanne Pietraszek.
- c. NYS Motor Vehicle Registration Renewal received for the Ambulance. Errors corrected and the ambulance registration has been renewed.
- d. NYS Public Entities Safety Group 497 Memo received concerning a Recommendation of Care Program. The proposal was reviewed and found that there is no automatic discount but by participating it should reduce the overall cost of the claim (based on fee pmt AND possible reduced treatment) which thereby could be reflected positively in our favor, but there's no guarantee of any "discount". Based on our previous claims, it is recommended that we do not engage in another insurance premium.
- e. NYS Comptroller sent a letter requesting verification of the Districts payroll and frequency of pay schedule. Form filled out and returned.
- f. NYS Comptroller sent a letter concerning the Employer Contribution Stabilization Program signed into law August 11, 2010. Payment due Feb 1, 2011. Commissioner Murray was given a copy of the program.

g. Freedom of Information Law (FOIL) letter received from James J. Herr II of the Erie County Fire Blotter. He was requesting information about the Fire Commissioners election Dec 14, 2010. Requested information faxed 12/8/10. FOIL Letter was addressed to the wrong address therefore we received it late, but complied within five days of receipt.

h. NYS Public Entities Safety Group Safety Agenda Dec 2010 Received.

i. Erie County Blotter 12/10/10 had an announcement that FASNY will hold a Seminar “The Effective Fire Department Leadership – Problems, Pitfalls and Penalties” on Feb 7, 2011 at the North Java Fire Department. RSVP 1/31/2011.

7. Committee Reports

- Personnel Committee – No report.
- Finance Committee

a. Commissioner Murray stated that there is one section of Town that belongs to the Aurora Colden Fire District. The assessed valuation is \$10,759,366.00 and the tax rate per thousand is \$3.09. If that section of Town were to be included in Colden’s territory, the new District would received an overall 9% reduction, a cost savings of 53 cents per thousand for the Aurora Colden portion of the Town and the remaining portion of Colden would benefit with a reduction of 24 cents per thousand.

| | <u>District</u> | <u>Taxable Value</u> | <u>Tax rate</u> | <u>Tax Levy</u> | <u>Savings</u> |
|------|-----------------------------|----------------------|-----------------|-----------------|----------------|
| 2011 | Colden Fire District | \$115,402,556.00 | \$ 2.80 | \$323,503.00 | 8.42% |
| | Aurora-Colden Fire District | \$10,759,366.00 | \$3.09 | \$33,272.00 | 17.02% |
| | Consolidated Value | \$126,161,922.00 | \$2.56 | | |
| 2010 | <u>District</u> | <u>Taxable Value</u> | <u>Tax rate</u> | <u>Tax Levy</u> | <u>Savings</u> |
| | Colden Fire District | \$114,851,884.00 | \$2.87 | \$329,787.00 | 8.55% |
| | Aurora-Colden Fire District | \$10,736,531.00 | \$3.08 | \$33,039.63 | 14.67% |
| | Consolidated Value | \$125,588,415.00 | \$2.63 | | |
| 2009 | <u>District</u> | <u>Taxable Value</u> | <u>Tax rate</u> | <u>Tax Levy</u> | <u>Savings</u> |
| | Colden Fire District | \$114,236,641.00 | \$3.16 | \$362,026.00 | 8.20% |
| | Aurora-Colden Fire District | \$10,568,742.00 | \$3.29 | \$34,821.00 | 11.83% |
| | Consolidated Value | \$124,805,383.00 | \$2.90 | | |

b. Commissioner Murray stated that the 2010 financial records are being closed out for the year and coordination will be made with our accountant for the 2010 audit.

c. The need to keep the citizens of Colden informed and the general public at-large of our purpose, function and operation, and to promote openness in our operation and to give taxpayers better access to the financial workings of the fire district Commissioner Murray requested all financial records, to include copies of audits, be posted on the Fire District Website and copies provided to the Town Board. The Board agreed to add current financial status to the minutes.

d. Commissioner Murray requested the Board review its memberships with various associations and reduce the number of memberships so that there would be a cost savings to the District. The Board agreed to reduce the number of memberships.

- Capital Improvement Committee – No report.
- Insurance Committee – No report.
- Legal Committee – Commissioner Murray will request the Fire District attorney to review account A400-03e (Chief Operating Expenses) for legal sufficiency. The review is needed to ensure we are in compliance with State Finance laws as they are amended.
- Apparatus, Driver Certification, Communications, and Maintenance Committee – With 348 days into the 2010, we spent \$14,053.97 on unscheduled repairs (CY-2010 Fund Allocation was \$11,000 – we exceeded the fund allocation by \$3,053.97 for unscheduled repairs). Maintenance report follows:
 - Colden 1 (Engine) – Mission Capable
 - Colden 2 (Engine) – Mission Capable
 - Colden 3 (Engine) – Mission Capable
 - Colden 7 (Rescue) – Mission Capable
 - Colden 8 (Ambulance) – Mission Capable
- Executive Board Committee – No report.
- Service Award Committee – Commissioner Murray stated in order to be credited with a Year of Firefighting Service, a participant must maintain a membership for a full 12 months and achieved the necessary points. Firefighter Feuz joined the District on March 13, 2007 and his 65th birthday was October 19, 2007, he is not entitled to the benefit due to the 12 month rule. His total service for 2007 was 7.3 months.
- Hazardous Materials Committee – No report.
- Training Committee – No report.
- Foreign Fire Insurance Monies 2% Funds Committee – No report.

- Grants Committee – No report.
- Public Protection Classification (PPC) Committee – Commissioner Murray discussed the benefits of acquiring a tanker so that we can greatly increase the amount of water that can be delivered to emergency scenes in our rural area due to lack of Fire Hydrants and a Tanker/Tender. This acquisition of a tanker will benefit both the residents in our response area, and those of our Mutual Aid areas, for several reasons:
 - a. Since this Tanker/Tender will enhance our fire ground water delivery rate, it also increases our suppression capability, which will reduce property loss from fires.
 - b. Direct dollar savings in insurance premiums (ISO).
 - c. The increased water delivery rate will have a positive life safety impact on both our residents and firefighters during a structure fire.
 - d. It will increase the available manpower and equipment at the fire scene, because of not having to have a pumper pumping from a water supply to fill tankers/tenders.
 - e. The Tanker/Tender will also be used to provide water for decontamination services at hazard materials incidents by providing an adequate supply of water to decontaminate victims, responders, and equipment. Tankers are a critical part of any full-service fire-rescue fleet. Commissioner Murray recommended that a committee be establish to discuss the merit of acquiring a NFPA compliant 2500-gallon fire service tanker/tender with the necessary equipment for the Colden Fire District.
- Medical Readiness – Annual medical examinations are scheduled for Monday, April 25, 2011 starting at 6PM at Station # 1. The following firefighters have been approved by Occustar Medically to wear SCBA Packs during fire fighting:

DePasquale, James
 Feidt, Jody
 Fitch, David
 Hacker, Garrett (30 Minutes Only)
 Murphy, Patrick (30 Minutes Only)
 Nuttle, Charles (30 Minutes Only)
 Nuttle, John

Nye, Vincent (30 Minutes Only)
 Offhaus, Mark
 Schneider, Bryant
 Schneider, Michael Jr.
 Schneider, Michael Sr
 Shelley, Jeffrey
 Spagnola, Michael

Certification expires May 1, 2011

8. Reports

- a. Fire Chief - There was 1 Fire Calls during November 2010.
- b. EMS Chief – November’s First Aid Calls totaled 10.
- c. Safety Officer – No report.
- d. President of the Auxiliary – No report.
- e. Fire Police – No report.
- f. President of the Fire Company – Firefighter Status Change - Brian Sudyn

Resolution # 2010- 075 – Change of Status - Firefighter Brian Sudyn

WHEREAS, Volunteer Firefighter Brian Sudyn status within the Fire District has change from Active to Inactive, and

WHEREAS, Fire Chief Douglas Hyde, recommends we accept the change in status of volunteer Firefighter Brian Sudyn,

NOW THEREFORE, be it RESOLVED, that this Board of Fire Commissioners officially approves the personnel status change of Brian Sudyn with an effective date of December 14, 2010 and providing Brian turns in all his equipment.

Commissioner Joseph Murray made a motion to place Firefighter Brian Sudyn in an Inactive status effective December 14, 2010 and Commissioner Michael Butler seconded the motion.

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

A vote was taken and the motion was approved

9. Purchase Requests (Equipment / Services):

a. **Fire Service Purchases:** Essential Items needed to support Fire Protection Operations provided by the Colden Fire Company.

| Description of Items | Account | Cost |
|--|-------------------|-----------------|
| 20 ea Zico H5 High Cycle SCBA Cylinder Clips | A200-2 | \$ 250.00 |
| | Total Cost | \$250.00 |

Resolution # 2010- 076 – Purchase of Fire Protection Equipment / Supplies

Commissioner Joseph Murray made a motion to approve the purchases and Commissioner Charles Kramer seconded the motion.

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|------|------|---------|--------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

BE IT FURTHER RESOLVED, that the Colden Fire District will acquire the above listed items pursuant to the Fire District’s Procurement Policy and in accordance with New York State Purchasing Guidelines.

A vote was taken and the motion to authorize the purchases was approved.

b. **Emergency Medical Services Purchases:** None for the month of December 2010.

c. **Fire Police Purchases:** None for the month of December 2010.

d. **Fire District Purchases:** Essential Items needed to support the Colden Fire District.

| Description of Items | Account | Cost |
|--------------------------------|-------------------|-----------------|
| Printer Ink (Epson Cartridges) | A400-01 | \$100.00 |
| | Total Cost | \$100.00 |

Resolution # 2010- 077 – Fire District Purchases

Commissioner Joseph Murray made a motion to approve the purchases and Commissioner Charles Kramer seconded the motion.

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

BE IT FURTHER RESOLVED, that the Colden Fire District will acquire the above listed items pursuant to the Fire District’s Procurement Policy and in accordance with New York State Purchasing Guidelines.

A vote was taken and the motion to authorize the purchases was approved.

10. Unfinished Business (Open Issues):

a. Quotes are being solicited for the repairs of the fire alarm system at Station # 2. Commissioner Butler will solicited quotes from ADT, Simplex, Broadview, and Fire Safety to address the repairs of the Fire Alarm system at Station #2. Pursuant to NYS FC 901.7, Commissioners Shelley and Butler will make daily visits to Station # 2 to conduct a safety inspection (fire watch) to ensure the building is safe until the fire protection system can be repaired or replaced in kind. ADT cannot service the current panel. Commissioner Murray will contact Simplex and AFP Group.

b. Annual Preventive Maintenance RFQ for the Emergency Generator will be developed and quotes will be solicited.

c. Dry Hydrants: Land use agreements are being coordinated with the following addresses: Colden Lakes, 7751 Irish Road, 7438 Lewis Road, and 10818 Crump Road. Three agreements signed to date (10/12/10). The land approved so far is Lewis Road, Colden Lakes and Crump Road. Work will start as soon as the Town can get equipment that is shared with other Towns. Project will start construction in the Spring of 2011.

d. Commissioner Shelley is developing inventory checklists for each apparatus

e. Amkus Tool upgrade required for Rescue 7 that can allow Rescuers emergency entry to the new 2012 Vehicle Safety Designs after they are involved in an accident. Three different Companies tools have been tested. The Committee selected Amkus which is the current system Colden uses. Items needed and tools to be upgraded will be identified so that an RFQ can be developed. Permissive Referendum will be published. A “Desire to Purchase” advertisement will be submitted to the NYS Contract Reporter.

f. AED Pads in the Buildings' and Chiefs' AEDs need to be checked for expiration. Monthly equipment checks need to be documented. Currently they are up to date.

g. Building Emergency Escape and Self-Rescue Rope System is a new mandatory item for interior Firefighters. These ropes are an expensive one time use item. The first step in the process is to develop written guidance. A draft SOG II-07 has been submitted to the Commissioners to review and discuss. Laddering the windows, to meet this requirement, is not practical.

h. Disposal of the old Rescue 7 was discussed. In the current environment trade-ins appear to be the worst value. There are several Web-Sites that seem to be more beneficial. An appraisal is needed before making a decision. A list of items and Rescue 7 maintenance history will be developed. A Legal Notice will be published for the disposal.

i. Holland Hardware charge account has been cancelled.

j. The mini-rescue/pumper is tentatively scheduled to be delivered in January 2011. A trip is scheduled for two individuals to review the progress and report back to District of any concerns. Gorman will provide a credit for one trip not conducted. The two travelers do not have any change order authority.

11. New Business:

Discussion item # 1 – Adoption of Resolution honoring Fire Commissioner James Walter for his service to the Colden Fire District

Resolution # 2010- 074 – Proclamation honoring James Walter, Fire Commissioner of the Colden Fire District

Commissioner Joseph Murray made a motion to approve the following Resolution and Commissioner Charles Kramer seconded the motion.

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

WHEREAS, The Board of Fire Commissioners wishes to congratulate James Walter on four years of service as a Fire Commissioner of the Colden Fire District; and

WHEREAS, the citizens of the Colden Fire District are very fortunate to have dedicated representative, such as Jim, working for the betterment of our community; and

WHEREAS, it is recognized that he has been a dedicated and dynamic representative for the Colden Fire District, and

WHEREAS, during his tenure as Commissioner, Jim secured a FEMA grant in the amount of \$87,000.00, which reduced the District's tax assessment for four years, and

WHEREAS, Jim's record of reforms in District business practices has earned him the respect and admiration of his colleagues;

THEREFORE be it RESOLVED, that we, the Board of Fire Commissioners of the Colden Fire District, assembled this fourteen day of December, 2010, do hereby express our gratitude to Commissioner James Walter for his years of dedicated and professional service to the residents of the Town of Colden, and we wish him health and every success in his future endeavors; and

BE IT FURTHER RESOLVED, that a suitable copy of this resolution be presented to James Walter as a symbol of our respect.

Discussion item # 2 – Scheduling a Permissive Referendum to authorize the purchase of AMKUS Extrication Tools via Unrestricted Capital Reserve Account. Resolution is subject to Permissive Referendum

Commissioner Joseph Murray made a motion to approve the following Resolution and Commissioner Jeffrey Shelley seconded the motion.

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

Resolution 2010 - 078 - Purchase of Extrication Tools: The Board of Fire Commissioners of the Colden Fire District in the Town of Colden, County of Erie, State of New York authorizes the purchase of extrication tools with affiliated equipment to include acquisition costs; estimating the total cost at a maximum of \$35,000. Funds would be allocated from the Unrestricted Capital Reserve Account.

WHEREAS, the Board of Fire Commissioners of the Colden Fire District is desirous of expending monies from the Unrestricted Reserve Fund of the Colden Fire District for the purchase of extrication tools items that will be utilized by the Colden Volunteer Fire Company of the Town of Colden, and

WHEREAS, Colden Fire Department uses AMKUS Extrication tools exclusively allowing for the standardization and for safety reasons which use is efficient and essential; and

WHEREAS, there is presently the sum of \$109,880.24 dollars within said Unrestricted Reserve Fund, and

WHEREAS, the purchase of new extrication tools will replace antiquated units;

BE IT FURTHER RESOLVED that this resolution is subject to permissive referendum pursuant to the provisions of Section 6(g) of the General Municipal Law and other applicable laws of the State of New York, and

BE IT FURTHER RESOLVED that pursuant to Section 6(g) of the General Municipal Law that within (10) days from the date of this Resolution the Treasurer shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of said Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Springville Journal, a newspaper published in Erie County having a general circulation in the Town of Colden, and in addition thereto the Treasurer shall post or cause to be posted on the sign board of the Town of Colden, a copy of such notice within ten (10) days after the date of adoption of this Resolution. Said Resolution was offered by Commissioner Joseph Murray and seconded by Commissioner Jeffrey Shelley.

NOW THEREFORE, be it RESOLVED by the Commissioners of Colden Fire District, in the Town of Colden, County of Erie, as follows:

Section 1 - The District is hereby authorized to purchase one set of extrication tools as indicted below plus affiliated equipment, with the maximum cost of \$35,000.00, utilizing the Unrestricted Capital Reserve Account.

Section 2 - This Resolution authorizes the Commissioners of the Colden Fire District to appropriate from the Unrestricted Reserve Fund a sum not to exceed \$35,000 for the purchase of the following firematic equipment:

- 1 Each - AMKUS MODEL 30 CRT spreader w/ removable tips
- 2 Each - AMKUS CRT 8" extension tips
- 1 Each - AMKUS MODEL 22 COT rotating handle cutter
- 1 Each - AMKUS 40" PUSH /PULL RAM
- 1 Each – AMKUS Cutter Upgrade (Speedway)
- 1 Each - AMKUS BRIGGS 6.0 power unit
- 1 Each - AMKUS QC-104 quick disconnect set for power unit
- 1 Each - AMKUS 30' extension hose red
- 1 Each - AMKUS 30' extension hose blue

Section 3 - The Chairman of the Board of Fire Commissioners is hereby authorized to take such actions and execute such documents as may be necessary to purchase the extrication tools.

Section 4 - This Resolution shall be subject to a Permissive Referendum.

Special Instructions: Treasurer will post the following Legal Notice in the Springville Journal for thirty days and post a copy at the Town Hall. Springville Journal will provide back to the Fire District a notarized copy of the posting.

LEGAL NOTICE

**COLDEN FIRE DISTRICT
NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM**

Notice is hereby given that the Board of Fire Commissioners of the Colden Fire District, Town of Colden, New York, at a meeting held on the 14th day of December, 2010, duly adopted a Resolution subject to a permissive referendum, pursuant to the provisions of Section 6(g) of the General Municipal Law and other applicable laws of the State of New York; an abstract of this Resolution is as follows:

The Resolution authorizes the Commissioners of the Colden Fire District to appropriate from the Unrestricted Reserve Fund a sum not to exceed \$35,000 for the purchase of the following firematic equipment:

- 1 Each - AMKUS MODEL 30 CRT spreader w/ removable tips
- 2 Each - AMKUS CRT 8" extension tips
- 1 Each - AMKUS MODEL 22 COT rotating handle cutter
- 1 Each - AMKUS 40" PUSH /PULL RAM
- 1 Each – AMKUS Cutter Upgrade (Speedway)
- 1 Each - AMKUS BRIGGS 6.0 power unit
- 1 Each - AMKUS QC-104 quick disconnect set for power unit
- 1 Each - AMKUS 30' extension hose red
- 1 Each - AMKUS 30' extension hose blue

This Resolution shall not take effect until thirty (30) days after its adoption, or until approved by an affirmative vote of the majority of the duly qualified voting electors of this Fire District if a petition, as prescribed by Section 6(g) of the General Municipal Law, is duly filed with the Secretary of this District protesting against such Resolution and requesting a referendum as is prescribed in said section of said law.

Michael Schneider, Secretary
Board of Fire Commissioners
Colden Fire District
December 14, 2010

Discussion item # 3 – Adoption of Procurement and Purchasing Policy for the Colden Fire District, the policy was reviewed by our attorney for legal sufficiency. A copy of the procurement policy is attached to the minutes.

Resolution # 2010- 079 – Adoption of Procurement and Purchasing Policy for the Colden Fire District

Commissioner Joseph Murray made a motion to adopt an updated Procurement and Purchasing Policy for the Colden Fire District and Commissioner Charles Kramer seconded the motion

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

A vote was taken and the motion was approved

Discussion item # 4 – Treasurer will post a Legal Notice in the Springville Journal alerting the public of the date and time for the for 2011 Organization Meeting.

| |
|---|
| <p>LEGAL NOTICE</p> <p>COLDEN FIRE DISTRICT LEGAL NOTICE Colden Fire District Meeting Notice</p> <p>Notice is hereby given that an Organizational Meeting of the Colden Fire District will be held at the Colden Fire District Office Building, 8511 Center Road, Colden, New York on Thursday, January 6, 2011 at 7:00 P.M. concerning the organization and operations of the Fire District for Calendar Year 2011.</p> <p>Michael Schneider, Secretary Board of Fire Commissioners Colden Fire District December 14, 2010</p> |
|---|

12. Public Comments: No comments

13. Next Regular Board Meeting: Tuesday, January 11, 2011 at 7:00 PM.

14. Organization Meeting will be held on Thursday, January 6, 2011 at 7:00 PM

15. Adjournment @ 8:55 P.M. With no further business to conduct, Commissioner Joseph Murray made a motion to adjourn the meeting and Commissioner Michael Butler seconded the motion.

| Board Member | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Chairman Jeffrey Shelley | X | | | |
| Commissioner James Walter | | | | X |
| Commissioner Michael Butler | X | | | |
| Commissioner Joseph Murray | X | | | |
| Commissioner Charles Kramer | X | | | |
| Vote Tally | 4 | | | 1 |

A vote was taken and the motion to adjourn the meeting was approved.

COLDEN FIRE DISTRICT

MEETING AGENDA

1. Meeting Call to Order
2. Pledge of Allegiance to the Flag of the United States of America
3. Roll Call and Affirmation of Quorum
4. Consent Calendar
 - Adoption of Agenda
 - Approval of Minutes from Previous Meetings
 - Approval of Treasurer's Report (Monthly Financial Report)
 - Approval of Bills (Ratification of District Accounts Payable)
5. Correspondence
6. Committee Reports
7. Reports (Fire Company)
8. Purchase Requests (Fire Company/District)
9. Unfinished Business (Open Issues):
10. New Business
11. Executive Session (If Required)
12. General Counsel's Report (If Required)
13. Public Comment
14. Adjournment

PUBLIC MEETING RULES

Order of Agenda - Items listed on the Agenda may be taken out of order.

Accommodations – Colden Fire District Office Building is accessible to individuals with disabilities. Reasonable efforts will be made to accommodate persons with special needs. Please contact the Fire Board one week in advance of the meeting.

Manner of Addressing the Fire Board - In order to conduct orderly, efficient, effective and dignified meetings that promote a governmental purpose with a governmental process, public comment may address any agenda item or other public issue that the Fire Board has the authority to effectuate or exercise control over. Public comment on matters beyond the Fire District's scope of authority is not relevant, does not invoke a governmental process nor serve a governmental purpose and is contrary to the effective, efficient and orderly business conducted by the Colden Fire District. Each person addressing the Fire Board shall stand up, shall give his/her name and shall limit the time of his/her presentation to three (3) minutes. All public comment remarks shall be addressed to the Fire Board as a body, and not to any member thereof. No person, other than members of the Fire Board and the person having the floor shall be permitted to enter into any discussion. No questions shall be asked of the Board Members, except through the presiding chairman. Speakers shall avoid undue repetition of points previously presented to the Fire Board.

Disruptive Conduct - Any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical may be removed from the meeting by order of the presiding chairman. A person willfully disrupts a meeting when he/she (1) uses physical violence, threatens the use of physical violence or provides the use of physical violence or (2) continues to use loud, boisterous, unruly or provocative behavior after being asked to stop, which behavior is determined by the presiding Chairman, or a majority of the Fire Board present, to be disruptive to the orderly conduct of the meeting or (3) fails to comply with any lawful decision or order of the presiding Chairman or of a majority of the Fire Board relating to the orderly conduct of the meeting.

Use of Recording Equipment - All members of the public and all public officials are allowed to tape or video record public meetings. Recording is not allowed during executive sessions. The recording (tape/video) is permissible as long as the device is unobtrusive and will not distract from the true deliberative process of the Board.

| Register of 2010 Resolutions | | |
|-------------------------------------|-------------|---|
| Resolution Number | Date | Description of Resolution |
| 2010-001 | Jan 7, 10 | Appointment of Chairman for Calendar Year 2010 |
| 2010-002 | Jan 7, 10 | Appointment of Vice-Chairman for Calendar Year 2010 |
| 2010-003 | Jan 7, 10 | Adoption of Agenda |
| 2010-004 | Jan 7, 10 | Adoption of Robert's Rules of Order |
| 2010-005 | Jan 7, 10 | Appointment of Treasurer/Secretary |
| 2010-006 | Jan 7, 10 | Appointment of Records Managers |
| 2010-007 | Jan 7, 10 | Appointment of District Custodian |
| 2010-007 | Jan 7, 10 | Authorizing Appointment of Attorney for Calendar Year 2010 |
| 2010-009 | Jan 7, 10 | Designating Surety Bonding for the Treasurer of the Colden Fire District |
| 2010-010 | Jan 7, 10 | Authorizing Regular Meeting Schedule for Calendar Year 2010 |
| 2010-011 | Jan 7, 10 | Designation of Official Newspaper for Publications for Calendar Year 2010 |
| 2010-012 | Jan 7, 10 | Authorizing Per Diem and Mileage Reimbursements |
| 2010-013 | Jan 7, 10 | Authorizing Advance Travel Payments |
| 2010-014 | Jan 7, 10 | Appointment of Fire District Purchasing Agents |
| 2010-015 | Jan 7, 10 | Fire District Memberships |
| 2010-016 | Jan 7, 10 | Renewals of All Fire District Leases and Recurring Contractual Agreements |
| 2010-017 | Jan 7, 10 | Authorizing Approval and Payment of Claims |
| 2010-018 | Jan 7, 10 | Designation of Fire District Bank |
| 2010-019 | Jan 7, 10 | Review of Expenditures (Calendar Year 2009) |
| 2010-020 | Jan 7, 10 | Fire District Committee Appointments |
| 2010-021 | Jan 7, 10 | Appointment of Independent Auditor for Calendar Year 2010 |
| 2010-022 | Jan 7, 10 | Open Government Resolution |
| | | |
| 2010-023 | Jan 12, 10 | Receive Funds from Erie County and DEC Grant |
| 2010-024 | Jan 12, 10 | Correct Heating Problems in the District Office (Capital Improvement) |
| 2010-025 | Jan 12, 10 | Permissive Referendum to purchase SCBA Gear |
| | | |
| 2010-026 | Feb 9, 10 | Appointment of Charles Kramer as Fire Commissioner |
| 2010-027 | Feb 9, 10 | Purchase Fire Protection Equipment/Supplies |
| 2010-028 | Feb 9, 10 | Fire District Purchases |
| 2010-029 | Feb 9, 10 | Upgrade the Radio in Assistant Fire Chief's Vehicle |
| 2010-030 | Feb 9, 10 | 2010 Achievement Awards |
| 2010-031 | Feb 9, 10 | 2010 Annual Inspection Dinner |
| | | |
| 2010-032 | Mar 12, 10 | Amendment to the Service Award Program |
| 2010-033 | Mar 12, 10 | Transfer of 2% funds to the Fire Company |
| 2010-034 | Mar 12, 10 | Purchase of Emergency Medical Supplies |
| 2010-035 | Mar 12, 10 | Fire District Purchase (Printer Ink Epson 600) |
| 2010-036 | Mar 12, 10 | Approval of General Elections (Colden Fire Company) |
| 2010-037 | Mar 12, 10 | Service Awards (Fire Chiefs) |
| | | |
| 2010-038 | Apr 13, 10 | Resignation of firefighter Jean Brockner |
| 2010-039 | Apr 13, 10 | Fire Equipment Purchases |
| 2010-040 | Apr 13, 10 | EMS Purchases |

| Register of 2010 Resolutions | | |
|-------------------------------------|-------------|--|
| Resolution Number | Date | Description of Resolution |
| 2010-041 | Apr 13, 10 | Fire Police Purchases |
| 2010-042 | Apr 13, 10 | Fire District Purchases |
| 2010-043 | Apr 13, 10 | Lease Agreement with Colden Fire Company |
| | | |
| 2010-044 | May 11, 10 | Fire Equipment Purchase |
| 2010-045 | May 11, 10 | Fire District Purchases |
| 2010-046 | May 11, 10 | Attendance at NYS Fire Chief's Trade Show |
| | | |
| 2010-047 | Jun 8, 10 | EMS Purchases |
| 2010-048 | Jun 8, 10 | Fire District Purchases |
| 2010-049 | Jun 8, 10 | Purchase of a Massimo RAD-57 (CO Pulse-Oximeter device) |
| | | |
| 2010-050 | Jul 13,10 | Fire Service Purchase |
| 2010-051 | Jul 13,10 | EMS Medical Service Purchases |
| 2010-052 | Jul 13,10 | Fire District Purchase |
| 2010-053 | Jul 13,10 | Disposal of a Length of Hose |
| 2010-054 | Jul 13,10 | Change SOG on Probationary Individuals |
| | | |
| 2010-055 | Jul 27, 10 | Approval of Capital Purchase "Apparatus Account" |
| 2010-056 | Jul 27, 10 | Approval of Dry Hydrants |
| 2010-057 | Jul 27, 10 | Fire Service Purchase |
| | | |
| 2010-058 | Sep 14, 10 | Membership of Firefighter Richard Ducote |
| 2010-059 | Sep 14, 10 | Change of Duty Status – Michael Marinaccio |
| 2010-060 | Sep 14, 10 | Fire Equipment Purchases |
| 2010-061 | Sep 14, 10 | EMS Purchases |
| 2010-062 | Sep 14, 10 | Fire District Purchases |
| 2010-063 | Sep 14, 10 | Ratification of Erie County Fire Service Mutual Aid Plan |
| 2010-064 | Sep 14, 10 | Equipment Disposal |
| 2010-065 | Sep 14, 10 | Permissive Referendum – Red Alert Software Upgrades |
| | | |
| 2010-066 | Oct 12, 10 | EMS Purchases |
| 2010-067 | Oct 12, 10 | Fire District Purchases |
| | | |
| 2010-068 | Oct 19, 10 | Approval of 2011 Budget |
| | | |
| 2010-069 | Nov 9, 10 | Fire Equipment Purchases |
| 2010-070 | Nov 9, 10 | EMS Purchases |
| 2010-071 | Nov 9, 10 | Fire Police Purchases |
| 2010-072 | Nov 9, 10 | Fire District Purchases |
| 2010-073 | Nov 9, 10 | Appointment of Fire District Election Inspectors |
| | | |
| 2010-074 | Dec 14, 10 | Proclamation Honoring James Walter |
| 2010-075 | Dec 14, 10 | Firefighter Status Change - Brian Sudyn |
| 2010-076 | Dec 14, 10 | Fire Equipment Purchases |
| 2010-077 | Dec 14, 10 | Fire District Purchases |
| 2010-078 | Dec 14, 10 | Permissive Referendum – AMKUS Tools |
| 2010-079 | Dec 14, 10 | Approval of Procurement and Purchasing Policy |

Resolution 2010- 079

COLDEN FIRE DISTRICT

PROCUREMENT AND PURCHASING POLICY

At a meeting of the Board of Fire Commissioners of the Colden Fire District held at the Fire District Office on the 14th day of December 2010.

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from the officers and officials of the Colden Fire District involved in the procurement process,

NOW THEREFORE, be it RESOLVED, that the Colden Fire District does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid. The purpose of this policy is:

Section 1 - To provide quality emergency services to all citizens in the most cost efficient manner.

Section 2 - Develop a long-range plan to ensure that quality equipment and services will continue to be available.

Section 3 - As provided in §104-b of the General Municipal Law of New York State, the purchasing policy of the Colden Fire District is provided to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the Town of Colden, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

PROCUREMENT POLICY FOR THE COLDEN FIRE DISTRICT

Every purchase of goods and services to be made by the Colden Fire District, must comply with the following procurement policy:

A. Every Purchase must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is now or can reasonably be expected that the total amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

B. Competitive bidding pursuant to Section 103 of the General Municipal Law is required for all purchase contracts under \$20,000.00 and Public Works contracts under \$35,000.00. Emergency purchases; certain municipal hospital purchases; acquisition of emergency services; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and second-hand purchases from another governmental entity are not subject to competitive bidding. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memorandum from the purchaser indicating the source, which makes the item or service exempt, a memorandum from the purchaser detailing the circumstances, which led to an emergency purchase, or any other written documentation that is appropriate.

C. All goods and services will be secured by use of written requests for proposals, written quotations, or any other method that ensures that goods will be purchased at the lowest price and that favoritism will be avoided.

D. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Commodities and Services

| Commodities & Services | Preferred Sources | | (3) | Open Market Sources | | | |
|------------------------|-------------------|--------------|--------------|---------------------|--------------------|----------------------|--------------------|
| | (1) | (2) | | (4) | (5) | (6) | (7) |
| Amount of Purchase | Preferred Source | OGS Source | MWB Purchase | Two Verbal Quotes | Two Written Quotes | Three Written Quotes | Formal Bid Process |
| .01 to \$999 | Check Source | Check Source | Check Source | X | | | |
| \$1,000 to \$4,999 | Check Source | Check Source | Check Source | | X | | |
| \$5,000 to \$19,999 | Check Source | Check Source | Check Source | | | X | |
| Above \$20,000 | | | | | | | X |

Notes:

(1) Department of Corrections (www.corcraft.org), Industries for the Blind (www.ibnys.org), Office of the Disabled (www.nysid.org), Office of Mental Health (www.omh.state.ny.us).

(2) Office of General Services Term Contracts (www.ogs.state.ny.us)

(3) Minority and Woman Owned Business (MWB) – Commodities and Services available on the internet at <http://www.empire.state.ny.us>

(4) Purchases under \$1000.00 – Procurement Officer will ensure lowest reasonable price (Best Value). Two Verbal Quotes up to \$999.00 - Quotes should be from a reliable source. Can be telephonic, but must be recorded and submitted with purchase order.

(5) Two Written Quotes must be submitted with purchase order

(6) Three Written Quotes must be submitted with purchase order

(7) Formal bid process includes a Contact Reporter Advertisement. GML§103 requires sealed competitive bidding for all contracts for public work involving an expenditure of more than \$35,000 and all Purchase Contracts involving an expenditure of more than \$20,000 to be awarded by sealed public bid.

E. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempts made to obtain the proposals or quotes. In no event shall the failure to obtain the proposals be a bar to the procurement. Documentation is required of each action taken in connection with each procurement.

F. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible quote or proposal. This documentation will include an explanation of how the award will achieve savings or how the quote or proposal was not responsible. A determination that the quote or proposal is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

G. Pursuant to General Municipal Law Section 104, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Fire District to solicit quotations or document this basis for not accepting the lowest bid:

1. Professional service or services requiring special or technical skill, training, or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price. Additionally the nature of the services may be such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category, the Board of Fire Commissioners shall take into consideration the following guidelines:

(a) Whether the services are subject to State licensing or testing requirements.

(b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services.

(c) Whether the services require a personal relationship between the individual and municipal officials.

(d) Professional or technical services are defined as services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps, and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing, or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software and services of a computer or other expert to assist in the design of a computer and/or communications network.

2. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately because seeking alternate proposals may threaten the life, health, safety, or welfare of the residents. This section does not preclude alternate proposals if time permits. Procurement Officer must provide quotes even after the fact to prove reasonableness of price. Over monetary thresholds, written detailed justification and Contract Reporter Exemption required. Keep in mind that even with Contract Reporter Exemption, Fire District still must prove the purchase was reasonable. This means that quotes are required even after the fact.

3. Purchases of surplus and second-hand goods from any source. If alternate proposals were required, the Fire District could be prevented from purchasing surplus and second-hand goods at auctions through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods since a lower price may indicate an older product.

4. Commodities and Services under \$1000.00. The time and documentation required to purchase such goods or services would likely be more costly than the item itself and would therefore not be in the best interest of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism. Verbal quotes are required.

H. REQUEST FOR PROPOSALS

1. A Request for Proposal (RFP) may be used when a competitive sealed bidding procedure is either not practical or not advantageous to the District. However, RFP may not be used to solicit a contractor for a construction project. The RFP notices to be given to the public shall conform to standards similar to those used for the competitive bidding process described in this policy. The RFP will state the relative importance of price and other evaluation factors to be used.

2. After the first round of proposals has been received and if they meet the RFP requirements, they may be discussed with the proposers to obtain clarification and allow revision for obtaining the best and final offers. In order that the negotiation process not be prejudiced, proposals shall remain confidential from other proposers until such time as the award has been made. Based on the RFP evaluation factors, the award will be made in a manner most advantageous to the District.

I. FORMAL COMPETITIVE BIDDING - All notices and request for quotes (RFQ) or formal Request for Proposals (RFP) shall:

1. Be published twice in a newspaper of general circulation in the area, at least fourteen days prior to the date set for receipt of the bids. Additional notices may be published as needed and sent to individual businesses thought to be interested.

2. Include a general description of the articles to be purchased or services to be performed; the form of contract to be used (if any); any bid, performance, or payment bond requirements; any further conditions of the procurement, and the time and place for opening bids. Bids shall be submitted in sealed envelopes, identified as bids, and shall be to the attention of the appropriate party per the bid instructions.

3. An RFQ/RFP shall describe the physical or functional characteristics, or the nature of the material or services being solicited. A specification should include a description of any requirement for inspecting, testing, or preparing a material or service for delivery. Products should not be identified by brand name or in a manner that is so restrictive as to exclude all but one brand name. Wherever a brand name or equivalent specification is used, it should be explained that the use of that brand name or specification is for purposes of describing the standard of quality, performance, or characteristics desired, and not intended to limit or restrict competition. Said solicitations shall state products substantially equivalent to those brands designated shall qualify for consideration.

4. All submitted bid envelopes shall be stamped with the date and time received.

5. All bids shall be opened in public at the time and place stated in the public notices. The name of each bidder, the amount of each bid, and other relevant information shall be recorded and available for public inspection.

6. The Colden Fire District has the authority to reject all or part of a bid or all bids (or proposals) and to re-solicit bids (or proposals), if doing so would be in the best interest of the District.

J. DETERMINATION OF LOWEST RESPONSIBLE BIDDER

1. Authorized awards shall be made to the lowest responsible and most responsive bidder (vendor) whose bid, quotation, or offer conforms in all material aspects to the procurement requirements and the criteria set forth in the IFB/RFP and are deemed to be in the best interest of the District.

2. The evaluation methods shall be uniform for each responding bidder.

3. A record showing the basis for determining the successful bidder shall be kept by the District for one year.

4. A written notice of award shall be sent to the successful bidder. Unsuccessful bidders will be notified either in writing or by phone.

5. If only one bid is received, an award may be made to the single bidder if the District determines that the price is fair and reasonable and that other prospective bidders had a reasonable opportunity to respond.

K. In determining the lowest responsible bidder, the Fire District Board shall consider among other relevant facts:

1. The ability, capacity, and skill of the bidder to perform the contract or provide services required.

2. Whether the bidder can perform the contract or provide the services promptly or within a specified time, without delay or interference.

3. The quality of performance of previous contracts or services.

4. The previous and existing compliance by the bidder with laws and ordinances of the District.

5. The financial resources and ability to perform the contract or provide the service.

6. The quality, availability, and adaptability of the supplies or services.

L. Fire District Credit Card Purchases – Purchases made with the VISA are subject to the same purchasing guidelines as noted in this policy. Documentation is to accompany the VISA statement as it is auditable.

M. Effective date of policy: January 1, 2011.

The adoption of the foregoing resolution/procedure was duly put to a vote and upon roll call the vote was as follows:

| | | |
|-------------------------------|---|------|
| Chairman – Jeffrey Shelley |) | |
| Commissioner – Joseph Murray |) | AYES |
| Commissioner – Charles Kramer |) | |
| Commissioner – Michael Butler |) | |

The resolution / procedure was thereupon duly adopted:

Colden Fire District
December 14, 2010

COLDEN FIRE DISTRICT
8511 Center Road
P.O. Box 34
Colden, New York 14033

GOVERNMENT CERTIFICATE OF TAX EXEMPTION

Federal ID Number: 16-1367856

The undersigned hereby certifies that the purchases of commodities or services being made on this certificate of tax exemption are being made by the Colden Fire District (political subdivision of the State of New York).

Procurement Officer
Colden Fire District

AC 946 (Rev. 11/70) (Excel version Rev. 02/02)

Print Code X

Tax Exempt # 16-1367856

TO BE RETAINED BY VENDOR AS
EVIDENCE OF EXEMPT SALE

TAX EXEMPTION CERTIFICATE

STATE OF NEW YORK
For use only by Employees of the State of New York
or its political subdivisions.

Name of Person of Firm Furnishing Services and/or Materials Date _____

Address

This is to certify that I am an employee of the State of New York or one of its political subdivisions; that the services or materials purchased on the date set forth below will be paid for by the State or a political subdivision; and that such charges are incurred in the performance of my official duties.

Nature of Transactions _____ Signature _____

Dates of Transactions _____

State Dept., Agency or Political Subdivision
Colden Fire District,

PO Box 34, Colden New York 14033 Title _____

NOTE: A separate exemption certificate is required from each person claiming exemption.

